UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,159	02/11/2004	Koji Kabatani	1619.1027	1210

79326 7590 12/08/2008

Fujitsu Patent Center
C/O Intellevate LLC
P.O. Box 52050
Minneapolis, MN 52050

EXAMINER	
MAI, KEVIN S	
ART UNIT	PAPER NUMBER
2456	

MAIL DATE	DELIVERY MODE
12/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/775,159	KABATANI, KOJI	
	Examiner	Art Unit	
	KEVIN S. MAI	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action has been issued in response to Applicant's Request for Continued Examination filed November 6, 2008.

2. Claims 8-13 have been amended. Claims 8-13 have been examined and are pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 6, 2008 has been entered.

Response to Arguments

4. Applicant's arguments filed November 6, 2008 have been fully considered but they are not persuasive.

5. Applicant's arguments with respect to claims 8 and 9 have been considered but are not persuasive. Applicant argues that Rumreich fails to disclose 'presetting a maximum amount of text data which can be displayed on a screen at one time and storing the same in a streaming server; counting the amount of collected text data and storing the same in the streaming the streaming server'. Examiner sustains that Rumreich does discloses these limitations. Rumreich recites 'when two full rows of text fill the caption window the scroll function pauses and

thereafter scrolls a new line of text into the window. This pause is modulated to increase or decrease its duration depending upon the buffer fullness'. Namely it is seen that the two full rows is the preset maximum, and further it can be seen that this value is stored somewhere able to be accessed because the system is able to pause when two full rows of text are on the screen. Then as to counting the amount of collected text data, modulating the pause according to buffer fullness would required the system to monitor the buffer. Monitoring the fullness of the buffer would be the same as counting the amount of collected text data. Thus it is seen that Rumreich discloses these limitations.

6. Applicant's arguments with respect to claims 10 and 11 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments with respect to claims 12 and 13 have been considered but are not persuasive. Applicant argues that Kay fails to disclose 'keyword frequently appearing or interesting to viewers' and 'first text data is superimposed with other text data on a display with moving image content at the same time'. Examiner sustains that Kay in combination with Davidsson does disclose these limitations. The limitation of a 'keyword frequently appearing or interesting to viewers' is rejected as being a relative term under 35 USC § 112. However, Kay's query patterns are still seen to read upon this limitation. Paragraphs [0044]-[0046] of Kay disclose a variety of query patterns to be used by a user to request information, as such since the user uses the query patterns to access desired information, these query patterns are inherently interesting to viewers since they will enable them to receive their desired information. Then as

to first text data being superimposed with other text data on a display with moving image content, it is seen that at a minimum Davidsson discloses one text data displaying with a moving image content. As to both being superimposed it is seen that such a feature would be inherent in both systems, both systems deal witch chat and chat is well known to show both sides of the conversation on one display. As such the conversation going on between Kay's system and a user would inherently be displayed.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. The terms "frequently appearing or interesting to viewers" in claims 10-13 is a relative term which renders the claim indefinite. The term "frequently appearing or interesting to viewers" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The frequently appearing portion does not define where such text would be frequently appearing and the interesting to viewers is a very relative term.

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. Pub. No. 2003/0101450 A1 to Davidsson et al. (hereinafter "Davidsson") and further in view of US Pat. No. 5929927 to Rumreich et al. (hereinafter "Rumreich").

13. **As to Claim 8,** Davidsson discloses **a streaming delivery method comprising:** Davidsson does not explicitly disclose **presetting a maximum amount of text data which can be displayed on a screen at one time and storing the same in a streaming server;** **collecting text data relating to a moving image content** (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed by the streaming server** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system)**, the text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit)**;** Davidsson does not explicitly disclose **counting the amount of collected text data and storing the same in the streaming server;** **superimposing the collected text data on the moving image content being streamed by the streaming server** (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal

and displaying the television program on the display together with text communications received from other television viewers); **and**

delivering the moving image content on which the collected text data is superimposed to the user terminal by the streaming server (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal);

Davidsson does not explicitly disclose **wherein the streaming server determines display time for the collected text data based on the count and the maximum amount of text data which can be displayed on the screen at a time.**

Davidsson does not explicitly disclose presetting a maximum amount of text data which can be displayed on a screen at one time and storing the same in a streaming server.

However, Rumreich discloses this (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. Thus it is seen that the maximum is two full rows. As to the value being stored in a server, it is seen that the inventions ability to pause after filling the two rows means it must know how much it can display, and thus must know the maximum amount of text data)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with having a maximum amount of text that may be displayed as disclosed by Rumreich. One of ordinary skill in the art would have been motivated to combine in order to improve the comprehensibility of the displayed text information (Column 3 lines 15-30 of Rumreich).

Davidsson does not explicitly disclose counting the amount of collected text data and storing the same in the streaming server

However, Rumreich discloses this (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The pause is modulated to increase or decrease its duration depending upon the buffer fullness. Thus since a pause is modulated to increase or decrease according to buffer fullness, it is seen that the invention must be counting the amount of collected text data in the buffer)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with counting the amount of collected text data as disclosed by Rumreich. One of ordinary skill in the art would have been motivated to combine in order to improve the comprehensibility of the displayed text information (Column 3 lines 15-30 of Rumreich).

Davidsson does not explicitly disclose wherein the streaming server determines display time for the collected text data based on the count and the maximum amount of text data which can be displayed on the screen at a time.

However, Rumreich discloses this (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The pause is modulated to increase or decrease its duration depending upon the buffer fullness. Where the display time is seen to be equivalent to the pause time before scrolling a new line of text, the buffer fullness is equivalent to the number of the collected text data, and the two full rows of text are equivalent to the number which can be

displays on a screen at a time. Thus it is seen that the server sets the display time (pause is modulated) on a basis of the number of the collected text data (depending upon the buffer fullness) and the number of text data which can be displayed (when two full rows of text fill the caption window))

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with modulating the duration of the display time as disclosed by Rumreich. One of ordinary skill in the art would have been motivated to combine in order to improve the comprehensibility of the displayed text information (Column 3 lines 15-30 of Rumreich).

14. **As to Claim 9,** Davidsson-Rumreich discloses the invention as claimed as described in claim 8, **wherein, in a case that the amount of collected text data is greater than the maximum amount, the streaming server sets the display time to a shorter value as the amount of collected text data increases** (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The pause is modulated to increase or decrease its duration depending upon the buffer fullness. When the buffer is very full no pause is generated, this implies that the display time is shortened as the number of collected data increases. Column 5 lines 1-10 of Rumreich further disclose that as the amount of text available for display increases, the duration of the pause decreases)**.**

Examiner recites the same rationale to combine used in claim 8.

15. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidsson and further in view of US Pat. No. 6434556 to Levin et al. (hereinafter "Levin").

16. **As to Claim 10,** Davidsson discloses **a streaming delivery method comprising:** Davidsson does not explicilty disclose **preparing a message display database storing a display position for a keyword at a streaming server, the keyword being first text data which is frequently appearing or interesting to viewers, and the display position being set according to a meaning of the keyword;**

collecting second text data relating to a moving image content (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed by the streaming server** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system)**, the second text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit)**;**

superimposing the collected second text data on the moving image content being streamed by the streaming server (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers)**; and**

delivering the moving image content on which the second text data is superimposed to the user terminal by the streaming server (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal);

Davidsson does not explicitly disclose **wherein the streaming server sets, when the keyword is contained in the collected second text data, a display position of the second text data corresponding to the keyword based on the display position for the keyword.**

Davidsson does not explicitly disclose preparing a message display database storing a display position for a keyword at a streaming server, the keyword being first text data which is frequently appearing or interesting to viewers, and the display position being set according to a meaning of the keyword.

However, Levin discloses this (Column 12 lines 50-67 and column 13 lines 1-15 of Levin disclose generating a number of keywords related to a search result. The keywords may be generated based upon the frequent occurrence of certain terms. Then the search results may be organized according to their relevance to a particular keyword. Column 14 lines 65-67 and column 15 lines 1-14 disclose when selecting to organize by price the search results with the highest price may be positioned within the display space at the location with the greatest relevance)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine collecting text data to superimpose on image content as disclosed by Davidsson, with having keywords associated with positions as disclosed by Levin. One of ordinary skill in the art would have been motivated to combine to provide improved visual presentation of the data to improve comprehension of the users (column 3 lines 15-25 of Levin).

Davidsson does not explicitly disclose wherein the streaming server sets, when the keyword is contained in the collected second text data, a display position of the second text data corresponding to the keyword based on the display position for the keyword.

However, Levin discloses this (Column 14 lines 65-67 and column 15 lines 1-14 disclose when selecting to organize by price the search results with the highest price may be positioned within the display space at the location with the greatest relevance. Thus the entries that were related to the keyword would now be displayed in a place according to being related to the keyword)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine collecting text data to superimpose on image content as disclosed by Davidsson, with positioning text according to it's relevance to a keyword as disclosed by Levin. One of ordinary skill in the art would have been motivated to combine to provide improved visual presentation of the data to improve comprehension of the users (column 3 lines 15-25 of Levin).

17. **As to Claim 11,** Davidsson-Levin discloses the invention as claimed as described in claim 10, **wherein the display position on the screen is predetermined for each of the first text data** (Column 3 lines 45-55 of Levin disclose the display space is split into predetermined areas, each of which will contain the results with varying relevance. For example the most relevant group may be positioned in the central region of the display space while groups of less relevance will be positioned farther away. Thus it is seen that the display positions are effectively predetermined for all keywords since keywords that are selected to be relevant will be displayed in the central region)**.**

Examiner recites the same rationale to combine used in claim 10.

18. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidsson and further in view of US Pub. No. 2002/0103917 to Kay et al. (hereinafter "Kay").

19. **As to Claim 12,** Davidsson discloses **a streaming delivery method comprising:** Davidsson does not explicitly disclose **preparing a response message database storing first text data for a keyword at a streaming server, the keyword being second text data which is frequently appearing or interesting to viewers, and the first text data having a meaning different from third text data and being superimposed at a same time with the third text data;**

collecting the third text data relating to a moving image content (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed by the streaming server** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system)**, the third text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit)**;**

superimposing the collected third text data on the moving image content being streamed by the streaming server (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers)**; and**

delivering the moving image content on which the collected third text data is superimposed to the user terminal by the streaming server (Paragraph [0028] of Davidsson discloses that the

chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal);

Davidsson dos not explicitly disclose **wherein the streaming server superimposes, when the keyword is contained in the collected third text data, the first text data corresponding to the keyword along with the collected third text data at the same time based on the first text data for the keyword.**

Davidsson does not explicitly disclose preparing a response message database storing first text data for a keyword at a streaming server, the keyword being second text data which is frequently appearing or interesting to viewers, and the first text data having a meaning different from third text data and being superimposed at a same time with the third text data.

However, Kay discloses this (Paragraph [0044] of Kay discloses if the system received a first query pattern in the form of "Find <WHAT> in <CITYSTATE>" the designated response is to search the identified "what" in the identified "city state". Then as seen in figure 5, the system will output the response to the user. This is seen as having a database storing first text data (designated response) corresponding to a keyword (query pattern) wherein the first text data will have a different meaning than the third text data)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with storing queries as disclosed by Kay. One of ordinary skill in the art would have been motivated to combine to provide an instant messaging based system which interactively responds to and services requests from remotely located users (Paragraph [0006] of Kay). The applicant's invention is read to be a chat room and Kay's system was designed to improve instant messaging, which is a form of chat.

Davidsson does not explicitly disclose wherein the streaming server superimposes, when the keyword is contained in the collected third text data, the first text data corresponding to the keyword along with the collected third text data at the same time based on the first text data for the keyword.

However, Kay discloses this (Abstract of Kay discloses a system for interactively responding to queries (collected text data) from a user sending messages, the query is interpreted and appropriate action (according to the meaning) is taken. The answer is formatted and returned to the user as an instant message (imposing the new text). This is seen to be the same action that is going on according to Figure 6 of the applicant's disclosure. The system says something in response to something a user said in the applicant's invention and similarly Kay discloses a user getting a response to something they said. As to this being done according to the user's input containing the keyword, it is seen that the query pertaining to a particular format reads upon this (paragraphs [0044]-[0046]). Then as to both text data's being superimposed, it is seen that that is an inherent feature of chatting, that both sides of a conversation would be displayed to the user and as such it would be inherent to superimpose both text datas).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with responding to queries as disclosed by Kay. One of ordinary skill in the art would have been motivated to combine to provide an instant messaging based system which interactively responds to and services requests from remotely located users (Paragraph [0006] of Kay). The applicant's invention is read to be a chat room and Kay's system was designed to improve instant messaging, which is a form of chat.

20. **As to Claim 13,** Davidsson-Kay discloses the invention as claimed as described in claim 12**, wherein the third text data is predetermined for each of the first text data** (Abstract of Kay discloses that appropriate action is taken for queries such as accessing a local or remote data resource and generating an answer to the user's query. This is read to be having predetermined new text because the answer to the query is held in a data resource ready to be accessed)**.**

Examiner recites the same rationale to combine used in claim 12.

Conclusion

21. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN S. MAI whose telephone number is (571)270-5001. The examiner can normally be reached on Monday through Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KSM

/Philip C Lee/
Primary Examiner, Art Unit 2452